

# HOUSE BILL No. 1019

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-42-3-4.

**Synopsis:** Interference with custody. Eliminates the condition that, for an individual to commit the offense of interference with custody by failing to return a child to Indiana, the individual must have taken the child outside Indiana. Provides that a person who removes a child to a place outside Indiana or fails to return a child to Indiana commits interference with custody if the removal or failure to return violates a parenting time order. (Current law applies only to a removal or failure to return that violates a child custody order.) Eliminates the condition under which an individual who takes or detains a child with intent to deprive another of custody or parenting time does not commit the offense of interference with custody unless the individual conceals the child. Provides that an individual who conceals a child with the intent to deprive another of custody or parenting time commits interference with custody even if the individual did not take or detain the child.

**Effective:** July 1, 2007.

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**Duncan, Summers**

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January 8, 2007, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1019

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 35-42-3-4, AS AMENDED BY P.L.68-2005,  
2 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2007]: Sec. 4. (a) A person who knowingly or intentionally:  
4 (1) removes another person who is less than eighteen (18) years  
5 of age to a place outside Indiana when the removal violates a  
6 child custody order **or parenting time order** of a court; or  
7 (2) ~~removes another person who is less than eighteen (18) years~~  
8 ~~of age to a place outside Indiana and~~ violates a child custody  
9 order **or parenting time order** of a court by failing to return ~~the~~  
10 ~~other a person who is less than eighteen (18) years of age to~~  
11 ~~Indiana;~~  
12 commits interference with custody, a Class D felony. However, the  
13 offense is a Class C felony if the other person is less than fourteen (14)  
14 years of age and is not the person's child, and a Class B felony if the  
15 offense is committed while armed with a deadly weapon or results in  
16 serious bodily injury to another person.  
17 (b) A person who with the intent to deprive another person of

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1 custody or parenting time rights:

2 (1) knowingly or intentionally takes; ~~and conceals; or~~

3 (2) knowingly or intentionally detains; ~~and conceals; or~~

4 **(3) knowingly or intentionally conceals;**

5 a person who is less than eighteen (18) years of age commits  
6 interference with custody, a Class C misdemeanor. However, the  
7 offense is a Class B misdemeanor if the taking, ~~and concealment, or the~~  
8 detention ~~and concealment~~, is in violation of a court order.

9 (c) With respect to a violation of this section, a court may consider  
10 as a mitigating circumstance the accused person's return of the other  
11 person in accordance with the child custody order **or parenting time**  
12 **order** within seven (7) days after the removal.

13 (d) The offenses described in this section continue as long as the  
14 child is concealed or detained or both.

15 (e) If a person is convicted of an offense under this section, a court  
16 may impose against the defendant reasonable costs incurred by a parent  
17 or guardian of the child because of the taking, detention, or  
18 concealment of the child.

19 **SECTION 2. [EFFECTIVE JULY 1, 2007] IC 35-42-3-4, as**  
20 **amended by this act, applies only to crimes committed after June**  
21 **30, 2007.**

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